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# Limit on Marriages.

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## **Limit on Marriages. Initiative Statute.**

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### **Official Title and Summary Prepared by the Attorney General**

#### **LIMIT ON MARRIAGES. INITIATIVE STATUTE.**

- Adds a provision to the Family Code providing that only marriage between a man and a woman is valid or recognized in California.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Probably no fiscal effect on the state or local governments.
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## Analysis by the Legislative Analyst



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### Background

Under current California law, “marriage” is based on a civil contract between a man and a woman. Current law also provides that a legal marriage that took place outside of California is generally considered valid in California. No state in the nation currently recognizes a civil contract or any other relationship between two people of the same sex as a marriage.

### Proposal

This measure provides that only marriage between a man and a woman is valid or recognized in California.

### Fiscal Effect

This measure would likely have no fiscal effect on the state or local governments.

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**For text of Proposition 22 see page 132**

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## Limit on Marriages. Initiative Statute.

### Argument in Favor of Proposition 22

Dear Fellow Voter:

I'm a 20-year-old woman voting for only the second time on March 7<sup>th</sup>. I'm proud, excited, and a bit nervous, because I take my civic responsibilities seriously. Not only that, but among millions of people supporting Proposition 22, the *Protection of Marriage Initiative*, I have the honor of writing you to explain why Californians should vote "Yes" on 22.

Proposition 22 is exactly 14 words long: "*Only marriage between a man and a woman is valid or recognized in California.*"

That's it! No legal doubletalk, no hidden agenda. Just common sense: Marriage should be between a man and a woman.

*It does not take away anyone's right to inheritance or hospital visitation.*

When people ask, "Why is this necessary?" I say that even though California law already says only a man and a woman may marry, it also recognizes marriages from other states. However, judges in some of those states want to define marriage differently than we do. If they succeed, California may have to recognize new kinds of marriages, even though most people believe marriage should be between a man and a woman.

California is not alone in trying to keep marriage between a man and a woman. In 1996, *Democrats and Republicans in Congress overwhelmingly passed a bill* saying that the U.S. government defines marriage as between a man and a woman only, and said each state could do the same.

*President Clinton signed the bill the day after he received it. So far, 30 states have passed laws defining marriage as between a man and a woman.*

Now it's our turn, and I'm voting "Yes" on 22 to ensure that decisions affecting California are voted on by Californians . . . like us.

*It's Our State, it should be Our Choice.*

But some people today think marriage doesn't matter anymore. They say I have to accept that marriage can mean whatever anyone says it means, and if I don't agree then I'm out of touch, even an extremist.

My family taught me to respect other people's freedoms. Everyone should. But that's a two way street. If people want me to respect their opinions and lifestyles, then they should grant me the same courtesy by respecting MY beliefs. And I believe that marriage should stay the way it is.

It's tough enough for families to stay together these days. Why make it harder by telling children that marriage is just a word anyone can re-define again and again until it no longer has any meaning?

Marriage is an important part of our lives, our families and our future. Someday I hope to meet a wonderful man, marry and have children of my own. By voting "Yes" on 22, I'm doing *my part today* to keep that dream alive. *Please, for all future generations, vote "Yes" on 22.*

*Miriam G. Santacruz*

We couldn't have said it better! As representatives of *seniors, teachers and parents*, we're proud to join Californians from all walks of life voting "Yes" on 22.

**JEANNE MURRAY**

*Field Director, 60 Plus Association*

**GARY BECKNER**

*Executive Director, Association of American Educators*

**THOMAS FONG**

*President, Chinese Family Alliance*

### Rebuttal to Argument in Favor of Proposition 22

#### THE HIDDEN AGENDA

The proponents of Proposition 22 want you to think that it is simple. That there is no "hidden agenda".

But if it's so simple, why are they spending millions of dollars to put this measure on the ballot and convince you to vote for something they say is "common sense"? Why are they spending millions of dollars to convince you to vote for something that is already law in California?

#### PROPOSITION 22 WILL HELP DENY HOSPITAL VISITATION RIGHTS

The proponents of Proposition 22 say that Proposition 22 doesn't deny hospital visitation or inheritance rights for lesbians and gays. But in Florida and Virginia, arch-conservative legal organizations have used similar laws as tools in court to deny lesbians and gays fundamental rights—like the right to visit a sick or injured partner in the hospital, the right to inheritance, or the right to health insurance.

#### A SOLUTION IN SEARCH OF A PROBLEM

You don't need to support marriage for lesbian and gay couples to oppose Proposition 22. As the proponents of Prop 22 admit, "California law already says only a man and a woman may marry." That won't change if Proposition 22 passes. Proposition 22 is just another needless law that allows government to interfere with our personal lives.

#### MARRIAGE MATTERS

Of course marriage matters. But so do fairness and tolerance. Proposition 22 will do nothing to strengthen our families, our communities, or to strengthen the commitment of couples involved in marriage. It will only divide California.

**GIL GARCETTI**

*District Attorney, County of Los Angeles*

**DELAINE EASTIN**

*California State Superintendent of Public Instruction*

**THE RIGHT REVEREND WILLIAM E. SWING**

*Bishop of the Episcopal Diocese of California*

## Limit on Marriages. Initiative Statute.



### Argument Against Proposition 22

The California Interfaith Alliance  
The League of Women Voters of California  
The California Teachers Association  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Tom Campbell  
Vice President Al Gore  
Senator Bill Bradley  
The California Republican League

And thousands of husbands, wives, mothers and fathers from across California oppose Proposition 22.

THE PURPOSE OF PROPOSITION 22 IS NOT TO BAN MARRIAGE FOR SAME-SEX COUPLES IN CALIFORNIA. IT IS ALREADY BANNED.

You don't need to support marriage for gay and lesbian couples to oppose Proposition 22, the "Knight Initiative". You just have to believe in a few basic values—keeping government out of our personal lives, respecting each other's privacy, and not singling out one group for discrimination or for special rights.

VOTING NO ON 22 WILL *NOT* LEGALIZE SAME-SEX MARRIAGE, NO MATTER WHAT THE SUPPORTERS OF PROPOSITION 22 SAY.

The real purpose is to use Proposition 22 as a tool in court to deny basic civil rights to lesbians and gays and their families. Proposition 22 will be used, as similar laws have been in other states, to deny the right of partners to visit their sick or injured companion in hospitals, to deny the right to inheritance, and even to deny the right of a remaining companion to live in their home.

PROPOSITION 22 WILL RESULT IN UNNECESSARY GOVERNMENT INTERFERENCE.

Whether we think homosexuality is right or wrong, we should stay out of other people's private lives and let people make their own decisions about moral values and commitments. Californians treasure our right to be left alone

and to lead our lives the way we wish. Adding more laws about private behavior and personal relationships isn't a solution to anything.

PROPOSITION 22 DIVIDES US. Californians have seen too many efforts in recent years to pick on specific groups of people and single them out for discrimination. Supporters of Proposition 22 are spending millions of dollars to convince you that basic rights should be denied to a group of Californians. They want us to believe that attacking same-gender couples will solve problems instead of causing them. But we've seen what spreading fear and hatred has already done. According to the Attorney General, more than 2,000 Californians were victimized by hate crimes last year alone. California has had enough of the politics of fear and hate. Voting "No" on 22 will send that message.

PROPOSITION 22 IS UNFAIR. Even when gay or lesbian couples have been together for many years, one companion often has no right to visit a sick or injured companion in the hospital. They often can't get basic health insurance for dependents. They have no inheritance rights. That's wrong. And Proposition 22 will make it more difficult to right this wrong—by singling out lesbians and gays for discrimination.

Proposition 22 doesn't solve any problems . . .

It adds more government interference to our lives . . .

It singles out one group for attack . . .

It tears us apart instead of bringing us together.

VOTE NO ON 22.

**ANTONIO R. VILLARAIGOSA**

*Assembly Speaker, California State Legislature*

**THE RIGHT REVEREND WILLIAM E. SWING**

*Bishop of the Episcopal Diocese of California*

**KRYS WULFF**

*President, American Association of University Women, California*

### Rebuttal to Argument Against Proposition 22

We are proud to join Focus on the Family and nearly 700,000 California voters who signed petitions in support of Proposition 22. Here's why:

*"Only marriage between a man and a woman is valid or recognized in California."*

That's all Proposition 22 says, and that's all it does. It's just common sense.

Opponents say anybody supporting traditional marriage is guilty of extremism, bigotry, hatred and discrimination towards gays, lesbians and their families.

That's unfair and divisive nonsense.

THE TRUTH IS, we respect EVERYONE'S freedom to make lifestyle choices, but draw the line at re-defining marriage for the rest of society.

Opponents say Proposition 22 is unnecessary.

THE TRUTH IS, *UNLESS WE PASS PROPOSITION 22, LEGAL LOOPHOLES COULD FORCE CALIFORNIA TO RECOGNIZE "SAME-SEX MARRIAGES" PERFORMED IN OTHER STATES.*

That's why 30 other states and the federal government have passed laws to close these loopholes. California deserves the same choice.

Opponents claim 22 will take away hospital visitation and

inheritance rights, *even throw people out of their homes.*

THAT'S ABSOLUTELY FALSE! Do they really expect voters to believe that?

THE TRUTH IS, *PROPOSITION 22 DOESN'T TAKE AWAY ANYONE'S RIGHTS.*

Whatever you think of "same-sex marriages", we can all agree that our opponents' use of scare tactics and deceit is the wrong way to address important issues.

THE TRUTH IS, "YES" on 22 sends a clear, positive message to children that marriage between a man and a woman is a valuable and respected institution, now and forever.

PLEASE VOTE "YES" ON PROPOSITION 22.

**DANA S. KRUCKENBERG**

*Board Member, California School Board Leadership Council*

**AMY WILLIAMS**

*First Vice-President, San Jose-Edison Parent Teacher's Organization*

**STAR PARKER**

*President, Coalition for Urban Renewal and Education*